

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**TOREY C. SMITH**

**PLAINTIFF**

**vs.**

**CIVIL ACTION No. 3:19-CV-407-HTW-LRA**

**UNITED STATES MARSHALS  
SERVICE, UNITED STATES OF AMERICA,  
PRESIDENT DONALD TRUMP and  
CLINTON POLICE DEPARTMENT**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge Linda R. Anderson [**doc. no. 8**]. Plaintiff, Torey C. Smith, *pro se*, appeared before the Magistrate Judge for a hearing on his Application to Proceed *In Forma Pauperis*.

During that hearing, Smith asked the Court to dismiss President Donald Trump and the Clinton Police Department from this lawsuit. The Magistrate Judge recommends that these two defendants be dismissed from this lawsuit without prejudice, since none of the Defendants in this case has been served with process.

Plaintiff was notified of his right to file written objections to this report and recommendation within fourteen days. Well over fourteen days has passed since Plaintiff was mailed a copy of the minutes with the judge's recommendation, and no objections have been filed.

This Court concludes that the findings in the Report and Recommendation [**doc. no. 8**] should be and are hereby **adopted** as this Court's own. Accordingly, this court dismisses the Defendants President Donald Trump and the Clinton Police Department **without prejudice**, as

consistent with the Plaintiff's express wishes. The United States Marshal Service and the United states of America remain Defendants in this cause.

**SO ORDERED AND ADJUDGED**, this the 7th day of January, 2019.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT COURT JUDGE